IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13606 of 2004**

Between:
1.S. Ramakanth Rao S/o Shyam Rao
r/o Bhimili (V&M) Adilabad District
2.S. Srinivas Rao S/o S. Shaym Rao
R/o Bhimili (V&M), Adilabad District

..... PETITIONERS

AND

1 The Sub-Collector, Asifabad, Adilabad District
2 The Executive Engineer I&CAD, PP Rao Project Division Bellampally,
Adilabad District
3 The Superintending Engineer, Medium Irrigation Project Circle, Bellampalli,
Adilabad District
4 The Governmetn of A.P., rep by Principal Secretary, Irrigation and CAD
Department Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction, more particularly one in the nature of Writ of Mandamus directing the Respondent to note down the structures, trees, lakes/ponds as per Sec. 17(3) of Land Acquisition Act, in Sy. No. 23/B/Aa, Sy. No. 24/Aa of Kamalapur Village, Bhimili Mandal Adilabad District, in the presence of the petitioners before submergence of the above lands and consequently declare the action of the Respondents in taking possession of the above lands without noting down the structures by invoking urgency clause under Sec. 17 (4) of Land Acquisition Act vide Letter No. EE/PPRP/DB/D1217/48 SETS, dt 30-9-2003 on the file of the 2nd respondent and without paying compensation as per

Land Acquisition Act, as violative of Art. 300-A Constitution of India in the Interest of Justice.

**Counsel for the Petitioners: MR.B.SUDHAKAR REDDY & NEERAJA REDDY**

**Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.**

The Court at the admission stage made the following:

## ORDER:

The petitioners claim to be the owners and possessors of lands in Survey Nos.23/B/Aa and 24/Aa of Kamalapur Village, Bhimili Mandal, Adilabad District. It is stated that the said lands are sought to be acquired under the provisions of the Land Acquisition Act (for short 'the Act') for the purpose of formation of a new tank across Yerravagu since the said lands are going to be submerged. The grievance of the petitioners is that while issuing the notification under Section 4(1) of the Act, the respondents have invoked the urgency clause under Section 17(4) of the Act and consequently, no proper survey has been conducted with regard to the existing trees, structures etc., existing on the lands in question. It is contended that if the lands come under submergence without survey, the petitioners will lose the opportunity of noting down the existing trees, structures etc., and consequently they will be deprived of adequate compensation. Hence, this writ petition seeking a direction to the respondents to note down the structures,

tress, lakes/ponds etc., existing on the lands in question.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation and Command Area Development.

It is brought to my notice by the learned counsel for both parties that W.P.No.26766 of 2003 filed by the claimants in respect of the adjacent lands seeking similar relief has been disposed of by this Court with a direction to the respondents to depute their representatives to make note of the structures existing on the land.

In the circumstances, the writ petition is disposed of with a direction to the respondents to depute their proper representatives from the departments of R & B, Excise and Agriculture to make note of the structures, the existing trees and measure the area of ponds/lakes/lands etc., by proper report, which can form part of the enquiry before the Land Acquisition Officer. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order, after giving an opportunity to the petitioners or their representatives. No costs.

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22.09.2004

Note: Furnish CC in two days

(b/o)

VGB

To

1 The Sub-Collector, Asifabad, Adilabad District

2 The Executive Engineer I&CAD, PP Rao Project Division Bellampally,
Adilabad District

3 The Superintending Engineer, Medium Irrigation Project Circle, Bellampalli,
Adilabad District

4 The Principal Secretary, Government of A.P., Irrigation and CAD Department Secretariat, Hyderabad

5 2CCs to the Government Pleader for Command Area & Development, High Court Buildings, Hyderabad (OUT)

6 2CD copies